

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Jeffrey Charles Sharrar
Jennifer Marie Sharrar
Debtor(s)

Bankruptcy Case No.: 17-10475-TPA
Per November 28, 2017 Proceeding
Chapter: 13
Docket No.: 37 – 30, 34
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 20, 2017 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to it's administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: M&T Bank's postpetition claim for \$441.89 based on Claim No. 5) .
- ☒ H. Additional Terms: 1) 4 Your Car Connection (Claim No. 2) at \$27.00 per month.
2) M&T Bank's secured claim in Part 5 of the Plan shall be paid with 5.75% interest.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Thomas P. Agresti, Judge
United States Bankruptcy Court

Dated: December 5, 2017

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Jeffrey Charles Sharrar
 Jennifer Marie Sharrar
 Debtors

Case No. 17-10475-TPA
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: vson
 Form ID: 149

Page 1 of 2
 Total Noticed: 32

Date Rcvd: Dec 05, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 07, 2017.

db/jdb +Jeffrey Charles Sharrar, Jennifer Marie Sharrar, 383 Reigel School Road,
 Rimersburg, PA 16248-6527
 cr +4 Your Car Connection, 7082 US 322, Cranberry, PA 16319-3110
 14418750 +4 Your Car Connection Inc, 7082 US 322, Cranberry, PA 16319-3110
 14418751 +Aes / Pnc / National, PO Box 61047, Harrisburg, PA 17106-1047
 14418752 +Bayview Financial Property Trust, 5050 Quorum Drive, Suite 700, Dallas, TX 75254-1410
 14418753 +Capital One, Attn: Bankruptcy, PO Box 30285, Salt Lake City, UT 84130-0285
 14418754 +Central Financial Control, PO Box 66044, Anaheim, CA 92816-6044
 14418755 +Chase Card, Attn: Correspondence Dept, PO Box 15298, Wilmington, DE 19850-5298
 14418757 +Convergent Outsourcing, Inc, PO Box 9004, Renton, WA 98057-9004
 14418759 +Djd Anesthesia Associates, 1 Hospital Drive, Clarion, PA 16214-8501
 14418761 First Premier Bank, 601 South Minneapolis Avenue, Sioux Falls, SD 57104
 14418762 +KML Law Group PC, BNY Mellon Independence Center, 701 Market Street, Suite 500,
 Philadelphia, PA 19106-1538
 14418765 +P H E A A / HCB, Attn: Bankruptcy, 1200 North 7th Street, 3rd Floor,
 Harrisburg, PA 17102-1419
 14648319 +PHEAA, PO Box 8147, Harrisburg PA 17105-8147
 14636642 +Rimersburg Borough Municipal Authority, 27 Main Street, Rimersburg, PA 16248-4333
 14418767 +Rui Credit Services Inc, PO Box 1349, Melville, NY 11747-0421
 14418768 +Saint Louise University Hospital, 3635 Vista Avenue, Saint Louis, MO 63110-2500
 14701618 UPMC Physician Services, PO Box 1123, Minneapolis, MN 55440-1123

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14418756 +E-mail/Text: ned-collections_bankruptcydocuments@comcast.com Dec 06 2017 02:00:03
 Comcast Cable, 1701 John F. Kennedy Boulevard, Philadelphia, PA 19103-2899
 14418758 +E-mail/Text: kcarter@creditmanagementcompany.com Dec 06 2017 01:59:59 Credit Management, LP,
 Attn: Bankruptcy, 2121 Noblestown Road, Pittsburgh, PA 15205-3956
 14636641 E-mail/Text: mrdiscen@discover.com Dec 06 2017 01:59:06 Discover Bank, PO Box 8003,
 Hilliard, OH 43026
 14418760 +E-mail/Text: bknotice@erccollections.com Dec 06 2017 01:59:46 ERC / Enhanced Recovery Corp,
 8014 Bayberry Road, Jacksonville, FL 32256-7412
 14705444 E-mail/PDF: resurgentbknotifications@resurgent.com Dec 06 2017 01:56:23
 LVNV Funding, LLC its successors and assigns as, assignee of NCO Portfolio Management,
 Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14418763 E-mail/Text: camanagement@mtb.com Dec 06 2017 01:59:15 M & T Bank, PO Box 844,
 Buffalo, NY 14240
 14680034 E-mail/Text: camanagement@mtb.com Dec 06 2017 01:59:15 M&T Bank, PO Box 1288,
 Buffalo, NY 14240
 14696909 +E-mail/Text: bankruptcydpt@mcmcg.com Dec 06 2017 01:59:37 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14418764 +E-mail/Text: Bankruptcy@nragroup.com Dec 06 2017 02:00:19 National Recovery Agency,
 2491 Paxton Street, Harrisburg, PA 17111-1036
 14694833 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:51
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
 14420084 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 06 2017 02:01:59
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14692498 +E-mail/Text: JCAP_BNC_Notices@jcap.com Dec 06 2017 01:59:51 Premier Bankcard, Llc,
 Jefferson Capital Systems LLC Assignee, PO Box 7999, Saint Cloud Mn 56302-7999
 14418766 +E-mail/Text: mmyers@primary-health.net Dec 06 2017 01:59:06 Primary Health Network,
 100 Shenango Avenue, PO Box 716, Sharon, PA 16146-0716
 14418769 +E-mail/PDF: gecsed@recoverycorp.com Dec 06 2017 01:56:00 Synchrony Bank / JCPenneys,
 Attn: Bankruptcy, PO Box 956060, Orlando, FL 32896-0001

TOTAL: 14

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr M&T BANK
 cr Rimersburg Borough Municipal Authority, 27 Main Street, Rimersburg
 cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTALS: 2, * 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0315-1

User: vson
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Total Noticed: 32

Date Rcvd: Dec 05, 2017

***** BYPASSED RECIPIENTS (continued) *****

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 07, 2017

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 5, 2017 at the address(es) listed below:

Daniel P. Foster on behalf of Joint Debtor Jennifer Marie Sharrar dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
Daniel P. Foster on behalf of Debtor Jeffrey Charles Sharrar dan@mrdebtbuster.com,
clarissa@mrdebtbuster.com; fosterlaw@ecf.inforuptcy.com; anne@ecf.inforuptcy.com
James Warmbrodt on behalf of Creditor M&T BANK bkgroup@kmlawgroup.com
James M. Greenfield on behalf of Creditor Rimersburg Borough Municipal Authority
greenfieldlaw@dalewoodardgent.com
James M. Greenfield on behalf of Creditor 4 Your Car Connection
greenfieldlaw@dalewoodardgent.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7